

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, DECEMBER 7, 1998
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:17 p.m. Mayor Golding recessed the regular meeting at 2:30 p.m. to convene the Rules, Finance, and Intergovernmental Relations Committee. Mayor Golding reconvened the regular meeting at 2:35 p.m. with all members present.

Mayor Golding announced that today was National Pearl Harbor Remembrance Day and asked for a moment of silence in observance of the more than one million American men and women who died in combat. Mayor Golding expressed many people believe we would not be here today in a nation that is free, a nation where debate and disagreement can flourish, and still preserve a democracy without the sacrifices of the many men and women who gave their lives in combat.

Mayor Golding adjourned the meeting at 4:30 p.m. into Closed Session at 9:00 a.m. on Tuesday, December 8, 1998, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present

- (5) Council Member Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour (pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Reverend Dennis Hubbard of
the New Hope Friendship Baptist Church

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Stallings.

NON-AGENDA COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding "constitutional money" and how Congress has the power to make this a debt free society.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A028-048.)

ITEM-PC-2:

Comment by John O' Brien on the Civil Rights Movement and a statement he wrote regarding that.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A049-061.)

ITEM-PC-3:

Comment by Rich Pearson thanking the Mayor, the Council, and staff for their patience and help regarding his property damage.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A062-066.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Kehoe regarding being in Balboa Park Friday and that she had the chance to participate in two beloved Holiday events; "Christmas on the Prado" with 100,000 visitors despite the wind and cold, and earlier the poinsettia display sponsored by "City Beautiful" in the botanical building.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A067-071.)

ITEM-CC-2:

Comment by Mayor Golding welcoming everyone back, hoping they had a wonderful Thanksgiving. Mayor Golding congratulated the four Council Members who won decisive re-election and thanked them for their comments, all of which she thought were excellent.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A072-085.)

ITEM-30:

SUBJECT: Christine Frahm Day.

COUNCILMEMBER MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-578) ADOPTED AS RESOLUTION R-291028

Sincerely thanking Christine Frahm for her exemplary service to the City of San Diego;

Proclaiming December 9, 1998 to be "Christine Frahm Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A086-169.)

MOTION BY STEVENS TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: APPROVED

Approval of Council Minutes for the Meetings of:

11/09/98
11/10/98
11/10/98 Special Joint Meeting
11/16/98 Adjourned
11/17/98 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A170-173.)

MOTION BY STEVENS TO APPROVE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-50:

SUBJECT: Downtown Parks Curfew.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/24/98. (Council voted 8-0. Councilmember Warden not present):

(O-99-56) ADOPTED AS ORDINANCE O-18605 (New Series)

Amending Chapter VI, Article 3, Division 1, of the San Diego Municipal Code by amending Section 63.0120, relating to Curfews in Downtown Parks, to institute a permanent downtown parks curfew, 12:00 midnight to 6:00 a.m., for Children's Park, Gaslamp Square Park, Pantoja Park and Washington Elementary School Park (Amici Park).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Amendment to the Municipal Lobbying Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 12/7/98. (Council voted 9-0):

(O-99-66 REV.1) ADOPTED AS ORDINANCE O-18606 (New Series)

Amending the San Diego Municipal Code by amending Chapter II, Article 7, Division 40, Sections 27.4001, 27.4002, 27.4005, 27.4007, 27.4009, 27.4010, 27.4013 and 27.4017; by adding new Section 27.4018; and amending Sections 27.4022, 27.4023, 27.4024, 27.4025, 27.4026 and 27.4028, all relating to the Municipal Lobbying Ordinance.

Abdelnour

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-52:

SUBJECT: Two actions related to the Tree Advisory Board.

MAYOR GOLDING'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-99-77) INTRODUCED, TO BE ADOPTED ON
JANUARY 11, 1999

Introduction of an Ordinance amending Chapter II, Article 6, of the San Diego Municipal Code by adding Division 5, Sections 26.0501, 26.0502 and 26.0503 relating to the Tree Advisory Board.

Subitem-B: (R-99-668) ADOPTED AS RESOLUTION R-291029

Adoption of a Resolution confirming the following appointments by the Mayor to the Tree Advisory Board in the categories and for the terms indicated to be effective on the effective date of the Ordinance creating the Tree Advisory Board:

Nominee	Category	Term Expires
Gayle McLeod Chairperson	Mayor	December 31, 2001
Sue Young	District 1	December 31, 2000
Mike Singleton	District 2	December 31, 1999
Andrew Spurlock	District 3	December 31, 2001
Jolaine Harris	District 4	December 31, 2000
Cindy Drake	District 5	December 31, 1999
Martin Schmidt	District 6	December 31, 2001
Don Spear	District 7	December 31, 2000
Mary Vaughn	District 8	December 31, 1999
Marty Poirer	Landscape Architect	December 31, 2001
Floyd O'Quinn	Certified Arborist	December 31, 2000
William Tall	Horticulturist/Nursery Industry	December 31, 1999
Nancy Hughes	People for Trees Representative	December 31, 2001
Leslie Ann Ryan	Artist	December 31, 2000

FILE LOCATION: SUBITEM A: NONE; SUBITEM B: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO INTRODUCE THE ORDINANCE AND TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENTS. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Two actions related to the Final Subdivision Map of Mercy Road Homes Unit No. 2.

(A 71-lot subdivision. Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-571) ADOPTED AS RESOLUTION R-291030

Authorizing a Subdivision Improvement Agreement with Presley Mercy Associates, LLC, for the installation and completion of public improvements.

Subitem-B: (R-99-570) ADOPTED AS RESOLUTION R-291031

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 6.977 acre site into 71 lots for residential development. It is located northeast of Mercy Road in the Mira Mesa Community Plan Area. On December 2,

1997 the Council of the City of San Diego approved Planned Residential Development (PRD)/Resource Protection Ordinance (RPO) Permit No. 96-7108 Mercy Road Homes. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. City Council is required to give final approval of all final maps and agreements. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29071-1-D through 29071-7-D, filed in the Office of the City Clerk under Micro Number 139.88. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$411,521 and a Performance Bond in that amount has been provided as surety.

A cash bond in the amount of \$6,400, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This map will also vacate remnant portions of Alemania Road and an unneeded drainage easement. The remnant portions of Alemania Road are entirely contained within the project and qualify for a summary vacation. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development.

FILE LOCATION: SUBITEMS A & B: SUBD-TM 96-7108 (40)

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Three actions related to the Final Subdivision Map of
Scripps Ranch North Unit No. 20.

(A 15-lot subdivision. Miramar Ranch North Community
Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-576) ADOPTED AS RESOLUTION R-291032

Authorizing a Subdivision Improvement Agreement with
Miramar Ranch North, for the installation and
completion of public improvements.

Subitem-B: (R-99-575) ADOPTED AS RESOLUTION R-291033

Approving the final map.

Subitem-C: (R-99-577) ADOPTED AS RESOLUTION R-291034

Approving the acceptance by the City Manager of a grant
deed of Miramar Ranch North, formerly McMillin-
BCED/Miramar Ranch North, who acquired title as Scripps
Ranch, granting to the City Lot C of Scripps Ranch
North Unit No. 20.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 14.787 acre site into 12
lots for residential development and 3 lots for open space
purposes. It is located north of Scripps Ranch Boulevard in the
Miramar Ranch North Community Plan Area. On April 16, 1991 the
Council of the City of San Diego approved City Council Resolution
No. R-277709 for Scripps Ranch North, Phase 3 Subdivision. The

City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28709-1-D through 28709-17-D, filed in the Office of the City Clerk under Micro Number 139.84. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$368,431 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$7,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Miramar Ranch North Facilities Financing Plan Area, which provides for the payment of a Development Impact Fee (DIF), including parks, at the time of building permit issuance. This subdivision is covered by the McMillin BCED Development Agreement, which provides for the payment of a Development Impact Fee (DIF), (FBA) including parks, at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development. Lot C is being deeded to the City at no cost as a condition of Tentative Map approval. The lot totals 8.935 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes.

FILE LOCATION: SUBITEMS A & B: SUBD-Scripps Ranch
North Unit No. 20, Phase 3 (40); SUBITEM
C: DEED F-7386

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Lot Line Adjustment and Easement Abandonment - Parcel Map W.O. No. 980056.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-619) ADOPTED AS RESOLUTION R-291035

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

The project is located in the Sorrento Hills Community Plan Area, southwest of Carmel Mountain Road. The applicant has revised this project under a planned residential development. This parcel map will consolidate and adjust lot lines to conform to the new project. It will also vacate a portion of the building restricted and landscaping easements, both of which are not needed for the new development. Staff finds that all modifications comply with the existing planned residential development and recommends approval of the map.

FILE LOCATION: SUBD - Parcel Map W.O. #980056

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Street Vacation of Questor Place.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-521) ADOPTED AS RESOLUTION R-291036

Adoption of a Resolution summarily vacating Questor Place, located east of Old Quarry Road, as more particularly shown on Drawing No. 18854-B, in accordance with Section 8334(a)(b) of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

On April 21, 1998, the City Council adopted Resolution R-289998, which conditionally vacated Northside Drive, Old Quarry Road, Questor Place and a portion of Friars Road when (a) a final map, that includes these streets to be vacated, for Mission City TM-96-0544, has been approved by City Council and (b) all conditions of the Exchange Agreement have been completed. In order to provide private driveway access and perimeter landscaping for a 68 unit apartment development which is planned for the City Knoll Property and to facilitate a timely process, a separate action is requested to vacate Questor Place (previously approved by Council)(and the remaining cul de sac, which was not part of the original development action).

The Exchange Agreement, dated November 14, 1997, made by and between the City of San Diego and H.G. Fenton Material Company exchanges the City Knoll Property for Fenton Property in the South Bay. This agreement recognizes that H.G. Fenton may enter into a purchase and sale agreement with JPI for the City Knolls Property. JPI is the applicant for this proposed Street Vacation. The terms of the Exchange Agreement include the Vacation of Questor Place in its entirety. Council approval of this street vacation will aid in meeting the terms of this agreement.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made.

FILE LOCATION: STRT-2881 (39)

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: Three actions related to remaining Street Action accommodating the renovation project of the United States Navy Bayview Housing Complex.

(Skyline/Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-632) ADOPTED AS RESOLUTION R-291037

Adoption of a Resolution authorizing the City Manager to accept grant deeds for the dedication of: Ridgewood Drive; the cul-de-sac termini at the west ends of Manchester Street and Altamont Drive; additional right-of-way at Bairoko Drive and Bougainville Road for enhanced emergency vehicle access; and an additional northern portion of Alleghany Street east of Saipan Drive.

Subitem-B: (R-99-631) ADOPTED AS RESOLUTION R-291038

Adoption of a Resolution authorizing the vacation of Ranger Road east of Angelo Drive as provided for under the Public Streets, Highways & Service Easements Vacation Law and qualifies for summary proceedings under Section 8330 et. seq of the California Streets and Highways Code.

Subitem-C: (R-99-633) ADOPTED AS RESOLUTION R-291039

Adoption of a Resolution changing the names of a segment of Ranger Road to Ridgewood Drive and a segment of Bairoko Drive to Bouganville Road, and a segment of Ranger Road to Oriskany Road.

OTHER RECOMMENDATIONS:

The Skyline-Paradise Hills Planning Committee considered this additional action on November 12, 1996 and voted unanimously to approve the street action.

CITY MANAGER SUPPORTING INFORMATION:

On September 17, 1996 the City Council approved the street vacation of multiple streets within the U.S. Navy Bayview Housing Complex in the Skyline/Paradise Hills Community with the stipulation that staff process an additional street action to

accommodate redesign of the western public street system within the U.S. Navy's project site. This action is the result of Council's directive to staff to finalize the public street system, as redesigned and deemed acceptable to both the U.S. Navy and the City of National City, at the jurisdictional boundary of the City of National City and the City of San Diego.

All franchise facilities will relocate with the newly aligned Ridgewood Drive. A general utility easement is being reserved for the Water Utilities Department's public water facilities within the area-of-vacation. The Skyline-Paradise Hills Planning Committee considered this additional action on November 12, 1996 and voted unanimously to approve the street action.

The street name changes proposed with this action shall affect approximately 1300 feet of dedicated Ranger Road changed in name to Ridgewood Drive and Oriskany Drive respectively and shall affect approximately 250 feet of dedicated Bairoko Road. The dedication of the newly aligned connector street to the City of National City's Ridgewood Drive will be combined with the remaining dedicated segment of Ranger Road all of which shall be named Ridgewood Drive. The remnant portion of Bairoko Drive east of Oriskany Road shall be renamed to Bouganville Road for simplification purposes.

Staff review of the proposed street action indicates that the required four findings of vacation can be made and recommends that the right-of-way be summarily vacated.

FINDINGS:

1. There is no present or prospective use for the street, either for the public street system for which the right-of-way was originally acquired, or for any other public use of a like nature.
2. The public will benefit from the vacation through improved utilization of the land.

3. The vacation is consistent with the approved Community Plan.
4. The Public street system for which the right-of-way was originally acquired will not be detrimentally affected by the vacation.

FILE LOCATION: SUBITEMS A & C: DEED F-7388
SUBITEM B: STRT-J-2850 (39)

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Easement Grant with San Diego Gas and Electric -
College Grove Drive.

(Oak Park Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-634) ADOPTED AS RESOLUTION R-291040

Authorizing the execution of a deed conveying to San Diego Gas and Electric Company, an easement located at College Grove Drive east of 55th Street, for undergrounding utilities.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has passed a resolution establishing an underground utility district on College Grove Drive. The

resolution requires that San Diego Gas and Electric Company remove all overhead electric facilities within the underground district and replace them with an underground system. The underground conversion will benefit Chollas Community Park. The easement is ten feet wide, extending five feet on each side of the centerline as indicated on the drawings.

FILE LOCATION: DEED F-7389

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: Utility Easement with San Diego Gas and Electric -
Montgomery Field Airport.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-630) ADOPTED AS RESOLUTION R-291041

Authorizing the execution of a deed conveying to San Diego Gas and Electric Company, an easement for existing utilities at Montgomery Field Airport.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Gas and Electric and the City mutually desire to execute this easement for existing utilities that were constructed at the airport many years ago. These utilities serve

the City Administration Building as well as airport facilities. It is mutually beneficial and desirable to execute the easement to allow the services to remain. This easement is necessary also to allow SDG&E to reroute a portion of the existing gas line to a safer location. The City is not charging SDG&E for this easement because it primarily benefits the City.

FILE LOCATION: DEED F-7390

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Acquisition of Excess CalTrans Property.

(District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-496) ADOPTED AS RESOLUTION R-291042

Authorizing the Auditor and Comptroller to expend an amount not to exceed \$90,000 from CIP-37-254.0 for the purchase of excess CalTrans property, north of Route 52 adjacent to Sycamore Canyon, that will provide a necessary buffer for the Sycamore Canyon Landfill and will preclude incompatible development.

CITY MANAGER SUPPORTING INFORMATION:

The City has been notified by the State of California, CalTrans, that they have recently declared excess a 13 acre parcel of land. The parcel is located north of Route 52 adjacent to Sycamore Canyon landfill. Further, that the acquisition of this site will insure that development incompatible to the Sycamore Canyon landfill is precluded.

Aud. Cert. 9900426.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: Law Enforcement Partnerships to Address Hate Crimes Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-601) ADOPTED AS RESOLUTION R-291043

Authorizing the City Manager to apply for, accept, expend and administer funds for a grant application to the United States Department of Justice, Bureau of Justice Assistance, for a program to create a county-wide Hate Crimes Victim/Witness Assistance Response Program. Except for indirect costs, the grant funds

will be subcontracted to the San Diego Regional Office of the Anti-Defamation League to hire a coordinator and set up the program;

Authorizing the City Manager to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the United States Department of Justice;

Declaring that any liability arising out of performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the City of San Diego; the Federal Government, United States Department of Justice and Bureau of Justice Assistance disclaim responsibility for any such liability.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Evaluating Problem Solving in Community Policing Grant Application.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-602) ADOPTED AS RESOLUTION R-291044

Authorizing the City Manager to apply for, accept, expend and administer funds for a grant application to the United States Department of Justice, National Institute of Justice, for a program titled "Evaluating the Analysis and Response Components of Problem Solving in Community Policing. The project will examine the current status of POP analysis and response in the San Diego Police Department, how and why individual officers vary in their POP activities; the grant will fund one Crime Analyst, interns, equipment, supplies, travel and a mandatory independent academic evaluator (to be selected and processed separately);

Authorizing the City Manager to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the United States Department of Justice;

Authorizing the City to provide any required matching resources and ongoing costs of operation related to this program, including any amendments, under the program and funding terms and conditions of the United States Department of Justice, and that this match will be appropriated as required;

Declaring that any liability arising out of performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the City of San Diego; the Federal Government, United States Department of Justice and National Institute of Justice Assistance disclaim responsibility for any such liability.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Rescue Boat Operations and Marine Firefighting Courses.

(Mission Bay Community Area. Districts-1 & 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-609) ADOPTED AS RESOLUTION R-291045

Authorizing and directing the City Manager or designee to accept a grant of funds from the California Department of Boating and Waterways, for the provision of public safety training classes, and to expend the funds from the grants for San Diego Fire and Life Safety Services to host classes for City and other agencies' personnel, in Rescue Boat Operations and Marine Firefighting.

CITY MANAGER SUPPORTING INFORMATION:

The California Department of Boating and Waterways (DBW) currently offers five 40-hour modules of training in the area of Boating Rescue and Enforcement. These courses are approved by the Port Captains and Harbor Masters Association. The modules are Rescue Boat Operations, Marine Firefighting, Boating Safety and Enforcement, Navigation, and Boat Operations. DBW has

requested that the City of San Diego host two of these classes: Rescue Boat Operations and Marine Firefighting. Classes are open to agencies involved in boating safety, rescue, and enforcement, including lifeguards, harbor patrol officers and other law enforcement officers. By hosting these classes, San Diego employees will be able to attend without having to incur the cost of travel.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Settlement of the Claim of Soltek of San Diego.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-650) ADOPTED AS RESOLUTION R-291046

A Resolution approved by the City Council in Closed Session on Tuesday, October 6, 1998 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$200,000 in the settlement of each and every claim against the City, its agents and employees, brought by Soltek of San Diego arising from a construction contract to reconstruct The House of Hospitality in Balboa Park;

Authorizing the City Auditor and Comptroller to issue two checks in the amount of \$100,000 each made payable to Soltek of San Diego and its attorney of record, A. Kendall Wood, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

On April 22, 1998, Soltek filed a complaint in the Superior Court of the State of California for the County of San Diego, Case No. 719999 (Pending Litigation) for Breach of Contract against Lumen Ventures, Ltd. and Lumen Hospitality, LLC and for Foreclosure of Mechanic's Lien against the City of San Diego Architect Milford and Wayne Donaldson, FAIA, the House of Hospitality Association, as well as against Lumen Ventures, Ltd. and Lumen Hospitality, LLC. To effect a final settlement and resolution of all disputes and claims between Soltek and the City which were or could have been raised in the pending litigation, a Compromise Settlement Agreement and Mutual General Release is being made between Soltek and the City.

In consideration of this settlement, the City agrees to pay to Soltek a total of \$200,000. The City agreed to pay \$100,000 upon execution of the compromise settlement and pay the remaining \$100,000 upon execution of a lease for the occupation and operation of the restaurant space located within the House of Hospitality. This action will make the first of two payments to Soltek.

Aud. Cert. 9900574.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112:

SUBJECT: Othello/Kirkcaldy Storm Drain.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-610) ADOPTED AS RESOLUTION R-291047

Amending the Fiscal Year 1999 CIP by adding
CIP-1-1300.0 (Othello/Kirkcaldy Storm Drain);

Authorizing the Auditor and Comptroller to appropriate
an amount not to exceed \$43,000 from the District 5
Older Community Fund 30305 of the Fiscal Year 1997
Neighborhood Revitalization Superfund into CIP-11-300.0
(Othello/Kirkcaldy Storm Drain);

Authorizing the expenditure of an amount not to exceed
\$43,000 from CIP-11-300.0, (Othello/Kirkcaldy Storm
Drain), to provide funds for the construction of the
storm drain and related costs.

CITY MANAGER SUPPORTING INFORMATION:

Council District 5 has directed that a portion of the \$55,375
District 5 Older Community Fund be used to improve the drainage
system westerly from the intersection of Othello Avenue at
Kirkcaldy Drive by replacing 180 linear feet of open drain
channel with RCP pipe underground.

Aud. Cert. 9900454.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113:

SUBJECT: Deferred Compensation Plan.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-613) ADOPTED AS RESOLUTION R-291048

Adopting an amendment to the City of San Diego Deferred Compensation Plan to comply with the Small Business Job Protection Act of 1996.

CITY MANAGER SUPPORTING INFORMATION:

The City currently provides a Section 457 deferred compensation plan to its employees. On August 20, 1996 Federal Legislation was passed into law as the Small Business Job Projection Act (SBJPA) of 1996 which included favorable pension plan reform. Accordingly, the City's deferred compensation plan will require amendments specific to Section 457 in order to bring the plan into compliance with the SBJPA of 1996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114:

SUBJECT: Adopting the Revised Conflict of Interest Code for the
San Diego Convention Center Corporation.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-99-627) ADOPTED AS RESOLUTION R-291049

Adopting the revised Conflict of Interest Code for the
San Diego Convention Center Corporation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-115:

SUBJECT: Adopting the Revised Conflict of Interest Code for the
Risk Management Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-626) ADOPTED AS RESOLUTION R-291050

Adopting the revised Conflict of Interest Code for the
Risk Management Department.

CITY MANAGER SUPPORTING INFORMATION:

The Risk Management Department's Conflict of Interest Code was last revised by Resolution R-288175 on December 9, 1996. This revision is intended to conform to Government Code Section 87306.5 requiring biennial review and update of local conflict of interest codes as reflected in City Council Resolution R-287479 adopted on June 10, 1996. The Risk Management Department's Code has been revised to include new positions which had not previously been designated, to reflect changes in the departmental organization, and to update the required filing categories for each position.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-116:

SUBJECT: Richard Friedland Day.

COUNCILMEMBER MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-640) ADOPTED AS RESOLUTION R-291051

Acknowledging and appreciating Richard Friedland for his many contributions, civic pride and philanthropy to the City of San Diego;

Proclaiming December 10, 1998 to be "Richard Friedland Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-117:

SUBJECT: Excusing Councilmember Mathis from the Land Use and Housing Committee Meeting of 11/25/98.

COUNCILMEMBER MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-641) ADOPTED AS RESOLUTION R-291052

Excusing Councilmember Mathis from attending the Land Use and Housing Committee meeting of November 25, 1998, due to personal out of town travel.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-118:

SUBJECT: Agreement with the United States Navy to Deconstruct
Buildings on Naval Training Center.

(See City Manager Report CMR-98-229. Peninsula
Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-590) ADOPTED AS RESOLUTION R-291053

Authorizing an agreement with the United States Navy to
deconstruct the Naval Training Center;

Authorizing the City Manager to auction improvements
from the Naval Training Center to responsive bidder(s)
from the City's qualified list;

Authorizing the expenditure of not to exceed \$50,000
from the Refuse Disposal Enterprise Fund No. 41200, and
all revenues derived from the sale of improvements to
provide funds for this agreement and related project
expenses.

Aud. Cert. 9900559.

FILE LOCATION: MEET (67

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-119:

SUBJECT: Declaring a Continued State of Emergency Regarding the
Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update. San Ysidro and Tijuana
River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-517) ADOPTED AS RESOLUTION R-291054

Declaring a continued State of Emergency regarding the
discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency regarding the
discharge of raw sewage from Tijuana,
Mexico.

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-120:

SUBJECT: Amendment No. 2 to the Agreement with EMA Services
Inc., for Telemetry Control Systems - SCADA, - Phase I.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-612) ADOPTED AS RESOLUTION R-291055

Authorizing the execution of Amendment No. 2 to the Agreement with EMA Services Inc., for Telemetry Control Systems - SCADA - Phase I;

Authorizing the expenditure of an amount not to exceed \$338,076 from CIP-73-261.0, Alvarado Water Filtration Plant.

CITY MANAGER SUPPORTING INFORMATION:

The Water Department is currently in the process of upgrading and expanding the Alvarado Water Filtration Plant. A control system will need to be designed and installed before the completion of construction of Phase I to operate the new facilities that are being built by December 2000. The consulting firm EMA Services Inc. completed the design of the SCADA system and is currently coordinating the installation. The Alvarado Water Filtration Plant control system shall have a seamless interface with the SCADA system. Therefore, amending the EMA Services Inc. contract to include the design of the Alvarado Water Filtration Plant control system will ensure compatibility.

Construction of the Alvarado Water Filtration Plant Upgrade and Expansion - Phase I project is underway and is anticipated to be completed by June 2001. This additional capacity is needed to meet the future demand of the Alvarado Water Filtration Plant service area and to avoid the anticipated treated water shortfall in the region which is expected to occur in the year 2001. In addition, the Alvarado Water Filtration Plant is over 40 years old and is in need of modernization to allow for improved operation and maintenance, to meet the new standard and

regulations set by EPA, and to achieve compliance with the State of California, DHS Compliance Order No. 04-14-96CO-022, adopted by the City Council on November 28, 1994, as Resolution R-284995. These projects are part of the water system Capital Improvements Program approved by the City Council in August 1997 as part of the Strategic Plan for water supply.

Aud. Cert. 9900501.

WWFD-99-354.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-121: CONTINUED TO MONDAY, JANUARY 11, 1999

SUBJECT: Agreement with the Otay Water District for the Purchase of Treated Water.

(See City Manager Reports CMR-98-228 and CMR-98-158.
District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-620)

Authorizing the City Manager to enter into an agreement with the Otay Water District regarding the purchase of surplus treated water from the City of San Diego;

Authorizing the City to sell Otay treated water, surplus to the City's needs, from the City's Otay Water Treatment Plant upon the execution of the agreement;

Authorizing the City to sell Otay additional treated water;

Declaring that the Otay Water District will pay the City's actual operating costs for treatment, which includes operation, maintenance, and overhead expenses, plus the prevailing CWA raw water rate regardless of whether local or imported raw water is treated;

Declaring that the agreement term is for fifty years.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/29/98, NR&C voted 4-0 to authorize the City Manager to sign the agreement for the purchase of treated water from the City subject to Feasibility and Bond Counsel review. (Councilmembers Mathis, Wear, Kehoe and Stallings voted yea. Councilmember Warden not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO CONTINUE THIS ITEM TO JANUARY 11, 1999 AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Warden. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-122:

SUBJECT: Updated Resolution of Support for University of California Campus in Chula Vista.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-603) ADOPTED AS RESOLUTION R-291056

Endorsing the Otay Lake/Wueste Road site within Otay Ranch as a new University of California campus.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-123:

SUBJECT: Transfer of Funds - San Ysidro, Larsen Field Sports Lighting.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-585) ADOPTED AS RESOLUTION R-291057

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$38,000 from CIP-29-631.0, San Ysidro Athletic Area (Larsen Field) Requirements, Fund 79518 to CIP-29-461.0, Dept. 30244, Org. 105, San Ysidro, Larsen Field Athletic Lighting;

Authorizing the expenditure of an amount not to exceed
\$111,875 from CIP-29-461.0.

Aud. Cert. 9900481.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-124:

SUBJECT: Two actions related to the Final Subdivision Map of
Mission Trails Industrial Park.

(A 5-lot subdivision. Navajo Community Area.
District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-573) ADOPTED AS RESOLUTION R-291058

Authorizing a Subdivision Improvement Agreement with
Mission Trails LLC for the installation and completion
of public improvements.

Subitem-B: (R-99-572) ADOPTED AS RESOLUTION R-291059

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 41.534 acre site into 5 lots for industrial development. It is located southeast of Mission Gorge Road in the Navajo Community Plan area. On November 18, 1993 the Planning Commission of the City of San Diego approved Planning Commission Resolution No. 2069PC for Mission Trails Industrial Park Subdivision. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29438-1-D through 29438-27-D, filed in the Office of the City Clerk under Micro Number 139.87. All improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$1,387,695 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$10,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued.

FILE LOCATION: SUBITEMS A & B: SUBD-Mission Trails
Industrial Park (40)

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-125: CONTINUED TO MONDAY, JANUARY 11, 1999
CONTINGENT UPON ALL MATERIALS BEING READY,
OR AT THE DISCRETION OF THE CITY MANAGER

SUBJECT: Agreement with Deloitte and Touche LLP to Conduct an Organizational Assessment and Fiscal Study of the Fire and Life Safety Business Center.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-655)

Authorizing an agreement with Deloitte and Touch LLP, to conduct an organizational assessment and fiscal study of the Fire and Life Safety Business Center;

Authorizing the expenditure of an amount not to exceed \$188,000 from Fund 100, Organization 3306, and Account No. 4222.

CITY MANAGER SUPPORTING INFORMATION:

The City wants to retain the Professional Consulting Services of Deloitte and Touche to conduct an organizational study of the Fire and Life Safety Business Center (FLSBC). Through the Request for Proposal process, four consulting firms were interviewed. Deloitte and Touche was selected to provide the following services. The Scope of Services will include:

1. Review and evaluate the current organizational practices of the FLSBC.
2. Conduct a fiscal analysis reviewing the FLSBC's current scope and duties given the amount of the Business Center's allocated funds and present structure.
3. Survey four other comparable (in size) public agencies that have Lifeguards in their organizations.
4. Develop and implement a "360 feedback" for Chief officers.

5. Develop and implement a business center wide employee attitude survey.
6. Summarize the results in a report to be presented to the City Manager and the Fire Chief.

The fiscal assessment of the study shall be completed no later than February 1, 1999. The organizational assessment shall be completed no later than March 15, 1999. Due to existing contracts with Deloitte and Touche, funds expended during the Fiscal Year will exceed \$250,000.

Aud. Cert. 9900585.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO CONTINUE THIS ITEM TO JANUARY 11, 1999 AT THE REQUEST OF COUNCIL MEMBER VARGAS CONTINGENT UPON ALL MATERIALS BEING READY, OR AT THE DISCRETION OF THE CITY MANAGER, AND TO DIRECT THE CITY MANAGER TO COME BACK TO COUNCIL WITH THE SCOPE OF THE STUDY FOR COUNCIL'S REVIEW. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-126:

SUBJECT: Appointment to the Citizens' Advisory Board on Police/Community Relations.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-658) ADOPTED AS RESOLUTION R-291060

Council confirmation of the appointment by the Mayor of Richard D. Murphy, Judge of the Superior Court, to serve as a member of the Citizens' Advisory Board on Police/Community Relations, as a member of the judiciary representative, for a term ending January 1, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-127:

SUBJECT: Appointment to the Housing Advisory and Appeals Board.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-657) ADOPTED AS RESOLUTION R-291061

Council confirmation of the appointment by the Mayor of Lawrence L. Atherton, to serve as a member of the Housing Advisory and Appeals Board, for a term ending March 1, 2000, replacing Carol A. Olson.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-128:

SUBJECT: Appointments to the Human Relations Commission.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-659) ADOPTED AS RESOLUTION R-291062

Council confirmation of the following appointments by the Mayor to serve as members of the Human Relations Commission, for terms ending July 22, 2002:

Reuel K. Olin (District 2)
(replacing Kate H. Klumpp)

Juan Antonio Ulloa (District 8)
(replacing Jesus Ernesto Corrales)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENTS. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-129:

SUBJECT: Reappointment to the City Employees' Retirement System Board of Administration.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-661) ADOPTED AS RESOLUTION R-291063

Council confirmation of the reappointment by the Mayor of Paul Barnett to the City Employees' Retirement System Board of Administration, as the Officer of a Local Bank, for a term ending December 7, 2004.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-130:

SUBJECT: Appointment to the San Diego Data Processing Corporation Board of Directors.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-660) ADOPTED AS RESOLUTION R-291064

Considering the following nominee for appointment to the San Diego Data Processing Corporation Board of Directors:

<u>NOMINEE</u>	<u>CATEGORY REPRESENTED</u>	<u>NOMINATED BY</u>
Mike Gross	General Business	Mayor Golding

After discussion and deliberation, appointing Mike Gross for a term ending July 1, 1999, to fill the unexpired term of John M. Eger, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-131:

SUBJECT: Appointment to the Southeastern Economic Development Corporation Board of Directors.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-662) ADOPTED AS RESOLUTION R-291065

Considering the following nominee for appointment to the Southeastern Economic Development Corporation Board of Directors:

NOMINEE

Zoneice Z. Jones

NOMINATED BY

Mayor Golding

After discussion and deliberation, appointing Zoneice Z. Jones for a term ending May 25, 2001, to fill the unexpired term of Roxanne Girard, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-132:

SUBJECT: Ann Throckmorton Day in San Diego.

COUNCILMEMBER MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-667) ADOPTED AS RESOLUTION R-291066

Declaring Friday, December 11, 1998 as Ann Throckmorton Day in the City of San Diego, in recognition of her service to the Real Estate profession and the community as 1998 President of the San Diego Association of Realtors.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-133:

SUBJECT: Legislative Calendar for January 1, 1999 through December 31, 1999.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-665) ADOPTED AS RESOLUTION R-291067

Adopting the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 1999 through December 31, 1999.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-134:

SUBJECT: Council Representatives, Council Liaison and Alternates to Various Organizations.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-664) ADOPTED AS RESOLUTION R-291068

Appointing Council representatives, Council liaison and their alternates to organizations for the period commencing December 7, 1998 and ending December 5, 1999.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-135:

SUBJECT: Appointing the Deputy Mayor for the City of San Diego for the period of 12/7/98 through 12/5/99.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-669) ADOPTED AS RESOLUTION R-291069

Selecting Councilmember Byron Wear as the Deputy Mayor for the City of San Diego for the period of December 7, 1998 through December 5, 1999.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C695-D062.)

MOTION BY MATHIS TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-136:

SUBJECT: Approving Chairpersons for the Four Standing Council Committees for terms commencing 12/7/98 through 12/5/99.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-671) ADOPTED AS RESOLUTION R-291070

Approving chairpersons for the four standing Council Committees for terms commencing December 7, 1998 and ending December 5, 1999:

Committee

Committee on Rules, Finance
and Intergovernmental
Relations

Chairperson

Mayor Susan Golding

Committee on Public Safety
Neighborhood Services

Councilmember Barbara Warden and

Committee on Natural Resources
and Culture

Councilmember Harry Mathis

Committee on Land Use and
Housing

Councilmember Juan Vargas

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-137:

SUBJECT: Appointment Order of the Rules Committee.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-672) ADOPTED AS RESOLUTION R-291071

Accepting the Appointment Order of the Rules Committee as it relates to the appointment of members to standing committees of the Council:

Committee on Rules, Finance and Intergovernmental Relations

Susan Golding - Chairperson
Byron Wear - Vice Chairperson
Harry Mathis
Juan Vargas
Barbara Warden

Committee on Land Use & Housing

Juan Vargas - Chairperson
Byron Wear - Vice Chairperson
Judy McCarty
Harry Mathis
George Stevens

Committee on Public Safety and Neighborhood Services

Barbara Warden - Chairperson
Christine Kehoe - Vice Chairperson
Harry Mathis
George Stevens
Byron Wear

Committee on Natural Resources & Culture

Harry Mathis - Chairperson
Valerie Stallings - Vice Chairperson
Christine Kehoe
Judy McCarty
Barbara Warden

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A190-200; A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT THE RESOLUTION TO ACCEPT THE APPOINTMENT ORDER. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-138:

SUBJECT: Select Committee on Government Efficiency and Fiscal Reform.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-670) ADOPTED AS RESOLUTION R-291072

Establishing a Temporary Rule of the Council to establish a subcommittee of the Rules Committee to be known as the Select Committee on Government Efficiency

and Fiscal Reform consisting of the following Rules Committee members and such advisors as they shall appoint:

Byron Wear - Chair
Harry Mathis
Barbara Warden

This Temporary Rule supersedes the Permanent Rules of the Council established by Section 22.0101 of the San Diego Municipal Code and shall be effective until December 4, 1999 unless made permanent by enactment of an ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150:

SUBJECT: Distribution of the Transient Occupancy Tax Fund - Coastal Infrastructure and Facilities for FY 99 Grant Application to State Coastal Conservancy.

(See City Manager Report CMR-98-219; and Memorandum from Councilmember Mathis dated 10/5/98. La Jolla and Pacific Beach Community Areas. Districts-1 and 2.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-99-621) ADOPTED AS RESOLUTION R-291073

Amending the Fiscal Year 1999 Capital Improvements Program Budget by adding CIP-52-671.0, Ocean Front Walk - San Fernando Place to Venture Place; CIP-52-670.0, La Jolla Cove Bluff Stabilization; and CIP-29-462.0, La Jolla Cove Stairs Replacement;

Authorizing the City Manager, or his designee to make application to the Coastal Conservancy for the La Jolla Cove Stairs Replacement Project;

Authorizing the City Manager, or his designee to take all necessary actions to secure funding from the Coastal Conservancy for the aforementioned project;

Authorizing the City Manager, or his designee to conduct all negotiations, execute and submit all documents, including, but not limited to applications, amendments and payment requests which may be necessary for the completion of the aforementioned project;

Authorizing the City Manager, or his designee to accept and expend funds, if the grant is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant (Fund 38072), and if the grant is secured, authorizing the transfer of an amount not to exceed \$120,000 from Coastal Conservancy Grant (Fund 38072) to the La Jolla Coves Stairs Replacement project account;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$80,000 from the Transient Occupancy Tax Fund - Coastal Infrastructure and Facilities (Fund 10223) to CIP-29-462.0, La Jolla Cove Stairs Replacement; an amount not to exceed \$475,000 from the Transient Occupancy Tax Fund - Coastal Infrastructure and Facilities (Fund 10223) to CIP-29-473.0, Life Guard Tower and Grand Avenue Restroom; an amount not to exceed \$390,000 from the

Transient Occupancy Tax Fund - Coastal Infrastructure and Facilities (Fund 10223) to CIP-52-671.0, Ocean Front Walk - San Fernando Place to Venture Place; an amount not to exceed \$50,000 from the Transient Occupancy Tax Fund - Coastal Infrastructure and Facilities (Fund 10223) to CIP-52-545.9, Coastal Erosion Needs List, EIR; and an amount not to exceed \$800,000 from the Transient Occupancy Tax Fund - Coastal Infrastructure and Facilities (Fund 10223) to CIP-52-670.0, Coast Boulevard Bluff Stabilization;

Authorizing the expenditure of an amount not to exceed \$38,000 from the Coastal Infrastructure and Facilities Fund (Fund 10223) to pay for 0.25 of the Coastal Engineer Position (\$20,000) and to pay the City's share of the annual cost for the San Diego Association of Governments to monitor the region's coastal erosion (\$18,000);

Authorizing the expenditure of an amount not to exceed \$200,000 from CIP-29-462.0, La Jolla Cove Stairs Replacement; an amount not to exceed \$475,000 from CIP-29-473.0, Life Guard Tower and Grand Avenue Restroom; an amount not to exceed \$390,000 from CIP-52-671.0, Ocean Front Walk, San Fernando Place to Venture Place; an amount not to exceed \$50,000 from CIP-52-545.9, Coastal Erosion Needs List, EIR, and an amount not to exceed \$800,000 from CIP-52-670.0, Coast Boulevard Stabilization;

Authorizing the City Auditor and Comptroller upon completion of the projects and advice from the administering department, to transfer funds to the appropriate reserve provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditures are, or will be, on deposit in the City Treasury.

Aud. Cert. 9900571.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/28/98, NR&C voted 5-0 to approve the City Manager's recommendation to accept the prioritized coastal infrastructure and facilities needs list; allocate the FY '99 allocation balance of \$1,833,000 in the Coastal Infrastructure and facilities Fund to Priorities Nos. 1 through 7 as described in City Manager's Report CMR-98-219; and direct the City Manager to establish a multiple year budget funding program to complete the \$8.5 million of Priority "A" projects in a timely manner. (Councilmembers Mathis, Wear, Kehoe, Warden and Stallings voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Implementation of City Council's Action on Changes to the Social Service Allocation Process.

(See City Manager Report CMR-98-227.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-50) FILED

Introduction of an Ordinance amending Chapter II, Article 6, of the San Diego Municipal Code by adding Division 4, Sections 26.0401, 26.0402 and 26.0403

relating to Citizen's Advisory Board on Social Service, establishing a Citizen's Advisory Board on Social Service to serve in an advisory capacity to the Mayor, City Council, and City Manager on policy issues relating to Social Service Programs.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A561-C141.)

MOTION BY STALLINGS TO FILE THE ORDINANCE AND TO NOT IMPLEMENT A CITIZEN'S ADVISORY BOARD ON SOCIAL SERVICE. DIRECT THE CITY MANAGER TO ALLOCATE THE NECESSARY STAFF RESOURCES TO ADMINISTER AND ANALYZE THE SOCIAL SERVICE FOR THE CITY COUNCIL, AND TO MAKE RECOMMENDATIONS TO IMPROVE IT. Second by Vargas. Passed by the following vote: Mathis-nay, Wear-nay, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

ITEM-201:

SUBJECT: Inviting Bids for Chollas Valley Trunk Sewer - Phase I.
(Mid-City Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-400) ADOPTED AS RESOLUTION R-291075

Inviting bids for the Chollas Valley Trunk Sewer - Phase I on Work Order No. 174911;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller to transfer \$2,325,900 from Sewer Fund 41506, CIP-45-927.0, Water Repurification, to Sewer Fund 41506, CIP-46-194.0, Chollas Valley Trunk Sewer;

Authorizing the expenditure of not to exceed \$2,325,900 from Sewer Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitation, Sub CIP-46-194.8, Chollas Valley Trunk Sewer - Phase I, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K99060C)

CITY MANAGER SUPPORTING INFORMATION:

Chollas Valley Trunk Sewer was constructed in 1940. It serves a drainage basin of about 1,900 gross acres in the Mid-City Community, plus the University Avenue drainage basin for the City of La Mesa. This existing 15-inch trunk sewer begins at the intersection of University Avenue and 69th Street, where it connects with the City of La Mesa's sanitary system, then it continues in a southwesterly direction, parallel to University Avenue, across private parcels, to Federal Boulevard. This trunk sewer is currently operating above its design capacity and has experienced surcharging on several occasions near the City of San Diego and the City of La Mesa boundary. Due to increased peak flows, the existing trunk sewer must be upgraded. The Chollas Valley Trunk Sewer was divided into two phases. The first phase runs from 69th Street to 60th Street in a new alignment along the centerline of University Avenue to stop the sewer from surcharging into the street and adjacent creek. The construction of Chollas Valley Trunk Sewer Phase I includes the installation of 5,730 feet of new 24-inch sewer, and the rehabilitation of approximately 5,720 feet of existing 15-inch sewer.

Aud. Cert. 9900576.

WWF-99-349.

FILE LOCATION: W.O. 174911

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Environmental Services Department Operations Yard.

(See City Manager Report CMR-98-231. Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-645 REV.) ADOPTED AS AMENDED AS RESOLUTION
R-291076

Authorizing the Lease Agreement with Waste Management Collection and Recycling, Inc., for the purpose of acquiring, renovating, and upgrading an operations center for the Environmental Services Department's refuse collection, curbside recycling, and curbside greenery recycling programs;

Authorizing the City Auditor and Comptroller to transfer from the funds in the amounts not to exceed those listed below to CIP-37-356.0, Environmental Services Facility:

<u>Fund</u>	<u>Amount</u>
CIP-37-254.0, New Landfill Acquisition	\$10,910,000
CIP-32-012.0, Arizona Landfill Storm Drain	\$ 1,292,500
CIP-32-009.0, West Miramar Landfill Gas Phase I Offsets	\$ 680,000
CIP-32-008.0, North Miramar Landfill Gas Offsets	\$ 540,000
CIP-32-013.0, South Chollas Landfill Cogeneration Project	\$ 410,000

Authorizing the expenditure of an amount not to exceed \$10,145,000 from CIP-37-356.0, Environmental Services Facility, for providing funds for the purchase of real property rights, title, escrow, closing and miscellaneous costs.

Aud. Cert. 9900577.

FILE LOCATION: LEAS-Waste Management Collection and Recycling Inc.

COUNCIL ACTION: (Tape location: C142-279.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION AS AMENDED TO INCLUDE LANGUAGE THAT THE AUDITOR, CITY MANAGER, AND CITY ATTORNEY BE DIRECTED TO MEMORIALIZE THE REPAYMENT OF MONIES FROM THE GENERAL FUND TO THE ENVIRONMENTAL SERVICES DEPARTMENT ENTERPRISE FUNDS FOR THE PURCHASE OF AN OPERATING YARD. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-203:

SUBJECT: City of San Diego Ultra-Low Flush Toilet Rebate Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-558 REV.1) ADOPTED AS AMENDED AS RESOLUTION
R-291077

Authorizing the City Manager to continue the Ultra-Low Flush Toilet Rebate Program by entering into an agreement with San Diego County Water Authority for receipt of funds from the Metropolitan Water District of Southern California to be used to pay \$1,588,000 for the overall program costs of \$2,588,000;

Authorizing the City Manager to enter into an agreement with the consulting firm of Volt VIEWtech for services associated with the day-to-day operation of the Rebate Program in an amount not to exceed \$2,868,000;

Authorizing the City Auditor and Comptroller to increase the annual appropriation in the Water Operating Fund 41500, Program 70622, by \$1,588,000 for the City of San Diego's Rebate Program;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$2,868,000 from the Water Operating Fund 41500, Water Resources Management, for the exclusive purpose of operating the Rebate Program in Fiscal Years 1999-2000.

CITY MANAGER SUPPORTING INFORMATION:

This action requests the continuation of the City of San Diego's Ultra-Low Flush Toilet Rebate Program (Rebate Program). On April 20, 1998, the San Diego City Council adopted Resolution R-289971, which authorizes the City Manager to continue to implement water conservation programs that offer financial incentives.

The Rebate Program is one of the most popular City Water Conservation Programs and provides up to a \$75 rebate for City water customers who replace existing toilets using 3.5 gallons per flush (gpf) or greater with ULFT's which use 1.6 gpf and urinals that use 1.0 gpf or less. The rebate is not designed to cover all costs associated with installing ULFT's (averaging \$150/unit) but to lessen the payback period and therefore encourage customers to make the decision to switch to ULFT's. Rebate program participants benefit from the water and sewer savings achieved from installing ULFT's at an average of \$57 per year for single-family homes. Combined with the rebate, a ULFT typically can pay for itself in a little over a year. A Request for Proposals (RFP) for consultant services to manage the operation of the Rebate Program was advertised and issued. Three firms submitted proposals. The firms were evaluated by a Consultant Selection Committee comprised of members of the Water Department, Equal Opportunity Contracting Program and a County Water Authority Board member. The evaluation criteria included: Technical Competence; Experience in the Field; Capability and Experience of Key Personnel; Ability to Meet the Schedule; Approach to Work; Financial Condition; and Costs. Volt VIEWtech was the highest rated firm.

Aud. Cert. 9900551.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C292-694.)

Motion by Mathis to adopt the Resolution to approve the City Manager's Recommendation. Second by Kehoe. Failed.
Yeas-1,3,6. Nays-2,4,5,7,8. Not present-M.

MOTION BY VARGAS TO ADOPT THE RESOLUTION AS AMENDED WITH DIRECTION TO STAFF TO ENTER INTO AN AGREEMENT WITH PACIFIC GATEWAY GROUP IN LIEU OF VOLT VIEWTECH FOR OPERATIONS OF THE REBATE PROGRAM DUE TO AN APPROXIMATE SAVINGS OF \$80,000. Second by Stevens. Passed by the following vote: Mathis-nay, Wear-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-204: CONTINUED TO MONDAY, JANUARY 11, 1999

(Continued from the meeting of November 10, 1998, Item 115, at the City Manager's request, for further review.)

SUBJECT: Right of Entry Permit - Regents of the University of California.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-480)

Authorizing the City Manager to execute a right of entry permit with the Regents of the University of California for the maintenance of a seismic station at La Jolla View Reservoir in La Jolla for a 15-year term with a mutual 90-day termination clause.

CITY MANAGER SUPPORTING INFORMATION:

In 1983, the City executed a right of entry permit with the Regents of the University of California, the San Diego Campus Scripps Institute of Oceanography and Planetary Physics for

installation, operation and maintenance of an unmanned seismic station on City-owned property adjacent to La Jolla View Reservoir in La Jolla. The station is part of the Cal-Mexico Seismic Hazard Program studying the seismicity of the Rose Canyon fault zone. The permit expired in April 1998 and is currently on a month-to-month holdover. The Regents of the University of California have requested a new permit for continued use of the station. The basic terms and conditions of the permit are as follows:

PREMISES - Approximately two square feet of surface area. A geophone and amplifier are installed at approximately 100 feet deep.

TERM - 15 years.

EARLIER TERMINATION - Either party may terminate the permit with 90 days written notice.

CONSIDERATION - The City will receive copies of reports of seismic data generated at the station.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO CONTINUE THIS ITEM TO JANUARY 11, 1999 AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Warden. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205: HEARING HELD

SUBJECT: Authorizing the Addition of CIP-70-950.0, Otay Filtration Plant - Backwash Pipe Relocation.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the following ordinance:

(O-99-76)

First public hearing of an Ordinance:

Amending Ordinance No. O-18551 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1998-99 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending Document No. OO-18551, by amending the Capital Improvement Program Budget to add CIP-70-950.0, Otay Filtration Plant - Backwash Pipe Relocation; and by increasing the total appropriations in the Water Revenue Fund 41500 by \$397,600 from the Unappropriated Fund Balance.

CITY MANAGER SUPPORTING INFORMATION:

The existing 18 inch backwash water pipeline at Otay Filtration Plant discharges an average of 1.1 million gallons of backwash water into Lower Otay Reservoir each day. This backwash water contains hydroxides of chemical coagulants, clay, silt, organic and inorganic precipitates removed from drinking water during filtration at the Otay plant. Currently, this filter waste is discharged in close proximity to the lake outlet tower, with the potential of negative impact on the water quality entering the Otay plant. As a result of this impact, pumped flows are reduced from the lake to maintain the highest water quality possible. Treated water, at significantly higher cost, is purchased from the San Diego County Water Authority to satisfy demands the Otay plant is unable to meet.

This project will relocate the backwash pipeline, thereby diverting the flow into Lower Otay Reservoir at a point further away from the outlet tower. Benefits of this relocation will be improved water quality, reduced demand on imported water

purchases, and a more efficient and cost effective operation at the Otay Filtration Plant. Prior to the start of design and construction, approval of this project is required for its addition to the Water Department's Capital Improvements Program.

Aud. Cert. 9900541.

CIP-14-99-08.

NOTE: Today's action is the first public hearing of the ordinance. See Item 340 on the docket of Tuesday, December 8, 1998 for the second public hearing and introduction and adoption of the Ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO APPROVE THE HEARING. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206:

SUBJECT: San Diego Society of Natural History Nonprofit Lease.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-646) ADOPTED AS RESOLUTION R-291078

Authorizing a 35-year lease agreement with the San Diego Society of Natural History, for development, operation, and maintenance of a natural history museum

and related uses in Balboa Park, together with any modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Society of Natural History has requested that the City of San Diego renegotiate their existing lease (1983). They are ready to begin construction on the approved 80,000 square foot expansion of the museum. The issuance of the new lease has been requested so that its term will correspond with that of the bonds that are to be issued to help finance the construction.

FILE LOCATION: LEAS-San Diego Society of Natural History

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-207:

SUBJECT: City Heights Urban Village Project: Library/Park Financing.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-656) ADOPTED AS RESOLUTION R-291079

Approving an increase in the GMP in the Design, Development and Construction Agreement to \$9,500,000 of which \$5,330,600 of that amount will come from the San Diego Community Foundation grant, and represents the Foundation's portion of the GMP;

Authorizing the City Manager to expend up to \$4,169,400 of the City's share of the GMP at this time, pursuant to the terms and conditions of the Agreement and any amendments, and providing that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be on deposit in the City Treasury;

Authoring the City Manager to negotiate the Second Amendment to the Design, Development and Construction Agreement in order to increase the GMP by an amount not to exceed \$1,802,348 bringing the total GMP to \$9,500,000 and expend the additional monies upon receiving the funds and providing that the City Auditor and Comptroller can furnish a certificate demonstrating that the funds are on deposit in the City Treasury;

Authoring the Second Amendment to the Design, Development and Construction Agreement with the Foundation and CityLink Investment Corporation, to reflect an increase in Phase I and Phase II GMP from \$7,697,652 to \$9,500,000, and increase the Foundation grant from \$5,250,000 to \$5,330,600.

CITY MANAGER SUPPORTING INFORMATION:

On March 4, 1997, the City Council appropriated funding and authorized the City Manager to amend the Design, Development and Construction Agreement to set the Guaranteed Maximum Price (GMP) for the construction of the Library/Park Project. This action establishes the final GMP for the project, including design \$602,065, demolition \$342,155 and construction \$8,555,780, not to exceed \$9,500,000 providing the City Auditor issues a certificate demonstrating that funds are available. The additional funds \$1,400,600 are estimated from the combined fund balances of the

HUD 108 Loan, Economic Development Incentive Grant, and CDBG Float Loan \$600,000; Head Start Community Empowerment Grant \$300,000; proceeds from the sale of the old East San Diego Library site (current estimated value of \$300,000) interest earned from HUD 108 Loan \$110,000; additional funding from both the San Diego Foundation and the San Diego Padres \$80,600 and the interest on retention held by CityLink Investment Corporation \$10,000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C280-281.)

MOTION BY STEVENS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-208: TRAILED TO TUESDAY, DECEMBER 8, 1998

SUBJECT: Maintenance Assessment District Ordinance.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-79)

Introduction of an Ordinance amending Chapter VI, Article 5, Division 2 of the San Diego Municipal Code by amending Sections 65.0202, 62.0212, and 65.0214; all pertaining to Maintenance Assessment Districts.

CITY MANAGER SUPPORTING INFORMATION:

This ordinance will amend Municipal Code Sections 65.0202, 65.0212, and 65.0214. The amendments enumerated below are introduced to enable the City to evaluate the viability of a non-

profit corporation administering the provision of services to a specific zone within a Maintenance Assessment District. Specifically, this ordinance will effect the following amendments to Chapter VI, Article 5, Division 2 of the San Diego Municipal Code:

- 1) This ordinance will add a defining term for "Zone" to mean Zone 3 of the Downtown Landscape and Lighting Maintenance District. Additionally, this ordinance will amend the Municipal Code to allow Zone 3 of the Downtown Landscape and Lighting District to be administered by a Non-profit Corporation for a one year period provided that the Non-profit Corporation can obtain written documentation from property owners, representing a majority of the parcel area within Zone 3, indicating their support for Zone 3 to be administered by the same Non-profit Corporation.
- 2) This ordinance will establish additional agreement provisions with Non-profit Corporations which administer maintenance contracts for Maintenance Assessment Districts or Zone 3 of the Downtown Landscape and Lighting District to include on-site inspections, financial interest disclosure, noticed meetings with property owners, separate accounting with annual audit review and clarifying certain existing provisions of Chapter VI, Article 5, Division 2, Section 65.0212.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO TRAIL THIS ITEM TO TUESDAY, DECEMBER 8, 1998 AS REQUESTED BY COUNCIL MEMBER WEAR. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-S400:

SUBJECT: Annual 8209 Allocation - Undergrounding of Utilities as part of the 1999 Calendar Year.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-681) ADOPTED AS RESOLUTION R-291080

Approving the Annual 8209 Allocation - Undergrounding of Utilities, for CCDC Area 3 as part of the 1999 calendar year as originally included in Exhibit A of Resolution R-290997.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S401:

SUBJECT: Reimbursement Agreement for Improvements to Ocean View Parkway (formerly Palm Avenue).

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-680) ADOPTED AS RESOLUTION R-291081

Authorizing a reimbursement agreement with Pardee Construction Company for the construction of improvements to Ocean View Parkway (formerly Palm Avenue);

Authorizing the expenditure of not to exceed \$4,322,000 from Funds 39067 and 39062, contingent upon the City Auditor and Comptroller certifying that the funds necessary for reimbursement under the agreement are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

On February 24, 1998, by Resolution R-289762, the City Council of the City of San Diego adopted the latest revision to the Otay Mesa Public Facilities Financing Plan (Financing Plan) and Development Impact Fee (DIF) for the proposed development of the real property owned by Pardee Construction Company (Pardee) and others in the area known as Otay Mesa. As a major property owner and developer in Otay Mesa, Pardee is to provide substantial public improvements to that area. The Financing Plan identifies the subject project as Project Nos. T-2.1, T-2.2 and T-2.3, Ocean View Hills Parkway. The proposed reimbursement agreement provides that Pardee will advance the total cost for both the design and construction of the Project. The reimbursement agreement proposes to construct this project over a period of several years (FY1998 to FY2005) in the form of the combination of receiving credits against the future payment to DIF fees from the West Subarea of Otay Mesa and cash payments from the East Subarea of Otay Mesa. The estimated total cost and proposed reimbursement schedule, as identified in the reimbursement agreement, is consistent with the project costs set forth in the latest revision to the Financing Plan.

Aud. Cert. 9900622.

FILE LOCATION: LAND-OTAY MESA COMMUNITY PLAN (10)

COUNCIL ACTION: (Tape location: A223-556.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:30 p.m. in honor of the memory of:

George Carter as requested by Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D082.)